

30.64 Site Landscape and Screening Standards

30.64.010 Purpose. The purpose of requiring landscaping and screening is to:

1. Improve the quality of air and discourage plant material that is high in pollen production.
2. Promote the visual image desired by the community through the use of low water, climate adaptable plant materials.
3. Increase the compatibility and minimize potentially negative impacts of differing adjacent uses by providing alternative buffering standards which will act as a visual barrier. The buffering standards will also provide justification and mitigation for waivers to the design standards required elsewhere within this Title.
4. Reduce dust, noise, glare and heat; assist in wind control; and minimize water runoff onto streets.
5. Conserve natural resources, including water, in conformance with the Water Conservation Plan developed by the Southern Nevada Water Authority. (Ord. 3826 § 7 (part), 11/30/09; Ord. 3356 § 5 (part), 2/2006; Ord. 2934 § 6, 8/2003; Ord. 2741 § 12 (part), 5/2002)

30.64.020 Fences and Walls. Perimeter fences and walls are permitted and/or required in accordance with the provisions of this section. An additional one foot of decorative embellishment is permitted on each wall.

1. **When Permitted.** Unless otherwise specified in Tables 30.64-1 and 30.64-2, fences and walls not required (but permitted) shall comply with this subsection (1). However, when constructed in conjunction with a retaining wall, the specified maximum wall height may be increased to include the height of the retaining wall up to a maximum of 12 feet, subject to compliance with 30.64.050(4), unless otherwise specified in the Chapter. Security fences are permitted in conjunction with Temporary Government Facilities in any zoning district, subject to the requirements for security fences in 30.08.030 and Table 30.64-2.

A. Single Family Residential Development and Multi-family Buildings not within a dwelling group. Fences and walls may be up to 6 feet in height except if within 15 feet of the front property line or private street/easement (see Table 30.64-1 for front yard restrictions). Fences or walls which meet the setbacks for accessory buildings shall conform to accessory building height restrictions.

B. Multiple Family Dwelling Group Development. Fences and walls shall be a maximum of 6 feet high, shall be decorative if in the urban area, and shall be set back for landscaping along streets as required in Table 30.64-2 below.

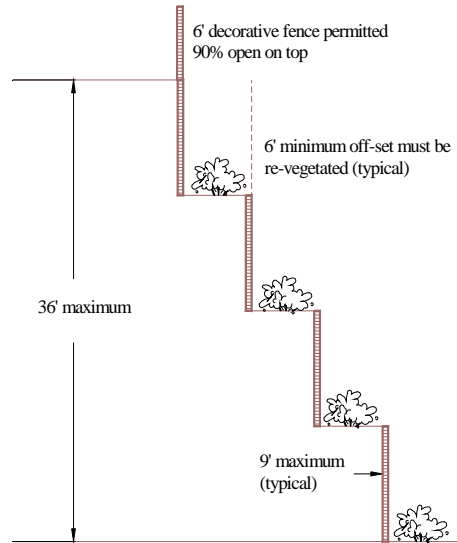
C. Commercial and Special Development. Fences and walls over 3 feet in height are not permitted within the required zoning district setbacks along a street unless required to buffer adjacent uses as approved by the Commission or Board. Any fence or wall within the required zoning district setbacks which is along a street shall be decorative. Congregate care, independent and assisted living, school, and recreational facilities may have fences and walls within street setbacks subject to approval by the Commission or Board. Fences or walls within side and rear setbacks not adjacent to a street nor on the property line shall not exceed 6 feet in height.

D. Industrial Development. Fences and walls, including security fences and walls, are permitted at a 10 foot maximum height around the perimeter of the development within the required setback when fence or wall is set back for required landscaping along streets. The maximum height may be increased up to 13 feet to accommodate additional height needed for retaining walls. See Table 30.64-2 for requirements for fences and walls along a street.

- E. Vacant Property.** Temporary fences may be constructed on vacant property, subject to the height restrictions above, in order to control access and dust, and to prevent the dumping of refuse. Walls within subdivided lots may be constructed per the requirements for walls within the district.
- F. Hillside Walls.** Walls within hillside developments shall comply with the following.
- i. Walls shall conform to the topography of the site.
 - ii. To the greatest extent practical, walls shall incorporate the use of graduating steps.
 - iii. Walls shall either incorporate the use of native materials or be earth tone colors to match the native soils and rocks.
 - iv. The use of decorative fences is encouraged around side and rear yards.
 - v. Decorative fences only shall be allowed around natural areas.
 - vi. The maximum cumulative height of a series of retaining walls is 36 feet where for each 9 feet of vertical height, a 6 foot horizontal offset shall be provided, and where anything over 9 feet must be a decorative fence. (See Figure 30.64-1)
- 2. Required.** Fences and walls are only required when shown in Tables 30.64-1 and 30.64-2.
- 3. Redundant Walls.** This section establishes the general policy of not requiring redundant walls in close proximity to each other that could cause unsafe or unhealthful conditions, such as gaps which collect trash and/or trap animals and/or people. A redundant wall is not required when the adjacent property owner agrees that the existing wall will serve as an adequate buffer, even if the existing wall is less than 6 feet in height, subject to a notarized letter of consent. Otherwise, a 6 foot high redundant wall shall be constructed as a buffer when required. The separation between the walls shall be 4 inches or less or at least 30 inches wide. The gap at the end of any redundant walls shall be secured with a see thru, locked gate which allows for access, visibility, and maintenance. The area between the walls shall be kept free of debris and weeds.
- 4. Measurement of Fence or Wall Height.** The actual height of fences or walls must meet the minimum height requirement but may exceed the minimum height by up to 1 foot.
- A.** Where the finished grade line of a lot is above or below the finished grade line of an abutting lot or street, the finished grade shall be the point on the high side, except within the front yard of single-family residences, which shall be measured from the top of curb.
 - B.** An additional 1 foot for lighting and/or decorative features is allowed on top of columns.
- 5. Gated Communities.** Developments with interior private streets or drives may restrict access to the development subject to the following:
- A.** Access gates shall be decorative and set back a minimum of 50 feet from the lip of gutter of the street intersecting the street or drive for stacking of vehicles.
 - B.** Egress gates shall be set back a minimum of 20 feet from the lip of gutter of the street intersecting the street or drive.

- C. Guard enclosures and/or related equipment shall be set back a minimum of 20 feet from the right-of-way line of the street intersecting the private street or drive, but need not conform to any other setback, and may be located within the private street.
 - D. Access codes to the gates shall be provided to the Metropolitan Police Department and the Clark County Fire Department.
 - E. Perimeter walls and gates enclosing the community are permitted up to 8 feet in height, including within the front yards of lots facing the access control gates, or as permitted by 30.64.050(4) when constructed in conjunction with a retaining wall.
6. **Access Gates - Single Family Residence or Special Uses not open to the public.** A single Family residence may restrict access to the development subject to the following: Access gates shall be set back a minimum of 18 feet from property line along collector or arterial streets.
7. **Access Gates – Commercial, Industrial Development or Special Uses open to the public.** Commercial or industrial developments or special uses open to the public may restrict access to the property subject to the following: Access gates shall be set back from the property line a minimum of 50 feet or access gates shall be set back 18 feet only if the gates remain open during business hours. When a private street accesses the development, and gates will not remain open during business hours, the gate shall be set back a minimum of 50 feet from the property line or lip of the gutter, whichever is greater. The Director of Public Works may waive this requirement with the approval of an administrative minor deviation. (Ord 3859 § 11, 6/2010; Ord 3805 § 8 (part), 9/2009; Ord. 3757 § 9 (part), 4/2009; Ord 3586 § 9 (part), 2/2008; Ord. 3549 § 11 (part), 9/2007; Ord. 3518 § 14 (part), 5/2007; Ord. 3472 § 12 (part), 1/2007; Ord. 3354 § 11 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 5/2005; Ord. 2934 § 7, 8/2003; Ord. 2741 § 12 (part), 5/2002; Ord. 2573 § 14, (part) 2001)

Figure 30.64-1 Hillside Retaining Walls



(Ord. 3209 § 11 (part), 3/2005)

30.64.030 Landscaping.

- a. Landscaping Required.** Except for mines, gravel pits, temporary uses, agricultural cultivation, public facilities without buildings, and the rear yards of single family dwellings, any disturbed area of a developed property not occupied by permitted outside activity areas, storage areas, structures, parking, driveways, drive aisles, bus turnouts, and sidewalks shall be landscaped and maintained in a clean condition. Disturbed areas designated for future development need not have live landscaping. (For the purposes of this Section and related landscaping requirements, rear yard is defined as any yard area behind established screen walls or fencing located in side or rear yards.) Any required landscaping may be within a trail dedication; however it cannot obstruct the intended use of the trail.
- b. Landscape Design Objectives.**
 - 1. Landscape plans shall incorporate water conserving design which includes appropriate soil, soil amendments to absorb and retain water and encourage the formation of deep root systems, mulch, drainage, and microclimates, and includes groupings of plants with similar water requirements on an irrigation line.
 - A.** Grading and hydrology should whenever possible be designed to maximize the use of storm water for on-site irrigation.
 - B.** Landscape plans shall address all applicable sight visibility concerns, including the location of traffic control signs and devices, sight visibility zones, and adequate spatial considerations for the (future) size and spread of plant materials at maturity in conformance with 30.16.240(a)(5). (Also see 30.64.030(k))
 - 2. The selection and orientation of plant material on the south and west sides of buildings is preferred to promote energy conservation and solar gains.
- c. Landscaping.**
 - 1. All required landscaping shall consist of live plants, except as provided in subsection (a) above. For property at elevations of 4,000 or more feet above sea level, natural and endemic landscaping should be preserved and incorporated into the landscape area.
 - 2. Any tree within 5 feet of a required perimeter wall, sidewalk, street, or public utility easement adjacent to a street shall be planted with a root shield designed to redirect root growth and shall incorporate a deep root irrigation system per 30.64.030(l)(4)(B). Any trees in or within a public utility easement shall be limited to shade or street trees as approved by the utility company. (See Figures 30.64-2 and 30.64-3)
 - 3. The front and side yards of single family residential development shall not contain more than 60% hardscape.
 - 4. Efforts to keep and maintain existing drought-tolerant trees, especially if mature, are highly encouraged.
- d. Maintenance of Landscaping and Sidewalks.**
 - 1. Fences, walls and landscaped areas (including plant materials, irrigation system, and hardscape features) shall be maintained.
 - A.** Landscaping or structures of any kind shall not obstruct vehicular or pedestrian travel along the sidewalk or street.
 - B.** No landscaping materials shall obstruct, block, or in any way impede the view of any traffic signal, sign, directional device, or sight visibility zone.

- C. Trees may overhang a sidewalk and street, provided the overhang is a minimum height of 10 feet above any sidewalk or 16 feet and 4 inches above any street, and the overhanging foliage does not impose a danger to the public.
 - D. When detached sidewalks are installed, the property owner(s), homeowners association, or landscape maintenance association shall maintain all landscaping in conformance with the requirements of this Chapter and shall be responsible for trimming, modifying, or removing any plant materials within required landscape areas that cause or constitute an imminent safety hazard to the traveling public, including but not limited to obstructing the visibility of traffic control signs and devices, obstructing sight visibility zones, or not providing adequate clearance for pedestrians and vehicles. Noncompliance with the maintenance requirements herein established shall cause the County to provide notice to the property owner(s), homeowners association, or landscape maintenance association of the County's intent to perform the required maintenance and collect payment accordingly for the work performed.
2. Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.
 3. Any required plant material that does not survive, or sustains severe damage, shall be replaced within 90 days.
 4. Landscaping required outside decorative fences and walls shall be maintained by the property owner(s), homeowners association, or landscape maintenance association, whichever is applicable. Whenever a landscaping area is an easement or is located within a common lot, the easement or common lot shall be shown on any major or minor subdivision map. All areas specifically intended for landscaping purposes shall be shown on required improvement plans.
 - A. Damage to landscaping (including plant materials, irrigation system, and hardscape features) within the required easement as a result of the work performed by, or on behalf of, any public utility shall be repaired or replaced by the public utility.
 - B. Damage to landscaping (plant materials) that occurs as a result of a property owner's, homeowners association's, or maintenance association's lack of general maintenance, as required in Section 30.64.030(d)(5), or as a result of the actions of a property owner, homeowners association, or maintenance association creating a condition that caused such damage to occur, shall be repaired or replaced by the applicable property owner, homeowners association, or maintenance association, whichever caused the damage.
 - C. Removal or relocation of any private property owners' landscaping in County rights-of-way or easements to accommodate a public improvement, including roadways and pavements, sidewalks, curbs and gutters, landscaping, street lights, foundations, poles and traffic signal conduits, water mains, sanitary and storm sewers, tunnels, subways, people movers, viaducts, bridges, underpasses, and overpasses, or other public facilities across, along, over or under any street or streets, or other such improvements which are to be used by the general public, shall be the responsibility and at the expense of the property owner. The County (or other entity governed ex officio by the Clark County Board of Commissioners, i.e., Las Vegas Valley Water District, Kyle Canyon Water District, Big Bend Water District or Clark County Water Reclamation District, singly the "County Entity") shall issue to a property owner 30 days written notice of a need to remove or relocate any of the property owner's landscaping that may be in conflict with installation, maintenance, or use of the public improvement. The property owner shall, within 30 days after receiving such written notice from the County Entity, remove or relocate its said landscaping. If the property owner fails to remove or relocate its landscaping as required by this section within the required time period, the County Entity may remove or relocate said landscaping and charge the cost of removal or

relocation to the property owner. The County will not be held liable for any losses or damages due to removal or relocation of such landscaping.

5. General maintenance of all sidewalks, whether constructed within a public right-of-way or a public access easement, shall be performed by the property owner, homeowners association, or landscape maintenance association, and shall include keeping the sidewalks clean and free of weeds, debris, ice, and snow, and preventing landscaping or structures of any kind from obstructing the sidewalk.
 - A. Long-term maintenance of all sidewalks except meandering sidewalks, including repair and replacement when required, shall be the responsibility of Clark County, pursuant to NRS 41.1315, unless the sidewalk is damaged as a result of negligence on the part of, or actions taken by, the property owner, homeowners association, or landscape maintenance association.
 - B. Clark County shall not be held liable for damage or injury that occurs as a result of a property owner's, homeowners association's, or maintenance association's lack of general maintenance, as required in subsection A above, or if the actions of a property owner, homeowners association, or maintenance association created a hazardous condition that caused or otherwise resulted in damage or injury.
- e. **Plant Materials.** Except for single family residential development, all required plants shall consist of materials selected from the plant list in the Southern Nevada Regional Planning Coalition's Regional Plant List, except that all cactus, and annual and perennial flowers, are permitted. Any plant listed on the Nevada State Department of Agriculture's noxious weed list as shown in NAC Section 555.010 is expressly prohibited.
- f. **Irrigation.** A water conserving irrigation system is required for all landscaping. Drip or similar systems with no over spray shall be used when irrigating non-turf vegetation. Irrigation systems shall be maintained in good operating condition. The use of irrigation systems which utilize reclaimed wastewater is preferred, and required for golf courses as soon as a source of reclaimed wastewater is available. Restrictions for over spray shall not apply when water used will be provided by one or more of the following methods:
 1. Water is provided for the applicant's own wells or appurtenant or transferred water right which can be legally used to irrigate the property on which a golf course is developed;
 2. Water is provided by the water purveyor; however, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity in an amount equivalent to 2 times the amount of water used to irrigate turf.
 3. Groundwater provided from the shallow aquifer. Applicant may develop and provide the groundwater at his/her sole cost, or may compensate the appropriate water district to develop ground water pursuant to an agreement with the district. The agreement must have been executed by both parties at the time of the application.
- g. **Swales.** Within landscape areas greater than 4 feet wide, a 2 foot wide minimum swale shall be provided adjacent to attached sidewalks unless a perimeter fence or wall is constructed within 2 feet of the sidewalk, or unless the landscape strip is designed with a berm to screen parking and provide enhanced landscaping. When detached sidewalks are constructed in landscape areas greater than 10 feet wide, a swale shall be provided on each side of the sidewalk unless bermed. The required swales shall be designed to prevent irrigation water from flowing onto the street or sidewalk. (See Figure 30.64-3)
- h. **Storm Water Detention/Retention Basins.** When provided, private on-site detention/retention

basins which are not paved or riprapped shall be landscaped if in non-single family residential development to enhance the natural configuration of the basin. Grading, hydrology and landscape plans should be integrated to make maximum use of site storm water runoff for supplemental on-site irrigation purposes.

- i. **Ground Cover.** Any portion of a landscape area not planted shall be covered with decorative rock, bark, mulch or other material suitable for reducing dust and evaporation, and improving the aesthetic appearance of the area. Non-porous materials should not be placed under the mulch where plants exist.
- j. **Turf.** These restrictions cannot be waived or varied.

Turf limitations apply as follows:

1. Single-family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to privately owned and maintained parks, including required open space;
2. The installation of new turf in non-residential developments is prohibited. This restriction shall not apply to schools, parks, amphitheatres, or cemeteries; to turf required by other governmental jurisdictions and/or regulatory agencies; or to golf courses and driving ranges subject to regulations listed below;
3. The installation of new turf is prohibited in residential front yards;
4. For single-family residential lots, the installation of new turf shall not exceed 50% of the gross area of the side and rear yard or 100 square feet, whichever is greater. In any case, a maximum of 5,000 square feet of turf is permitted;
5. Development within subdivisions approved after July 1, 1992 shall not impose restrictions which require the use of turf in landscaping or which prevent the use of xeriscaping as an alternative to turf;
6. The maximum slope of a turf area shall not exceed 33%;
7. Turf areas shall not be located within 6 feet of a street, curb, paved surface other than a single-family residential driveway, or sidewalk if adjacent to a paved surface;
8. No area of turf shall have a width or depth less than 10 feet. This area may be less than 10 feet wide if adjacent to a planter bed or other landscape area which will catch overspray;
9. Golf courses shall be limited to a maximum of 45 acres for 18 holes and 5 acres for a driving range;
 - A. The turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the water purveyor that irrigated turf, in excess of the amount specified, will have no significant impact on water resources or water peak demand delivery capacity, because water used for the additional turf will be provided by one or more of the following methods:
 - i. Water provided from applicant's own wells or appurtenant or transferred water rights which can be legally used to irrigate the property on which the golf course is developed.
 - ii. Water provided from the water purveyor. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the

impacts on water resources and system delivery capacity, in an amount equivalent to 2 times the amount of water used by the turf grass.

- iii. Groundwater provided from the shallow groundwater aquifer. Applicant may develop and provide the ground water at his sole cost or may compensate the appropriate water district to develop ground water pursuant to an agreement with the district. The agreement must have been executed by both parties at the time of the application.

k. **Required Trees.** Trees shall be planted as required in Tables 30.64-1 and 30.64-2, and as shown in Figures 30.64-2 through 30.64-14, 30.64-17, and 30.64-18, if large 15 gallon trees are being planted. Trees located beneath or adjacent to overhead power lines are not required if the power company certifies that the landscape requirement poses a hazard. Trees are not required when their location conflicts with septic system separation requirements. Unless otherwise specified by the Commission or Board, trees and alternative distances can be provided as follows:

1. One large tree (at maturity will be 40 feet or higher and have a minimum 20 foot spread) is required for each 30 linear feet of street frontage.
2. One medium tree (at maturity will have a minimum 20 foot spread) is required for each 20 linear feet of street frontage.
3. One small tree (at maturity will have a less than a 20 foot spread) is required for each 10 linear feet of street frontage.
4. These distances may be increased by 10 feet if 24 inch box trees are planted instead of 15 gallon trees.
5. A variety of species and appropriate clustering of plants to provide a homogeneous buffering effect are encouraged within the landscape area.

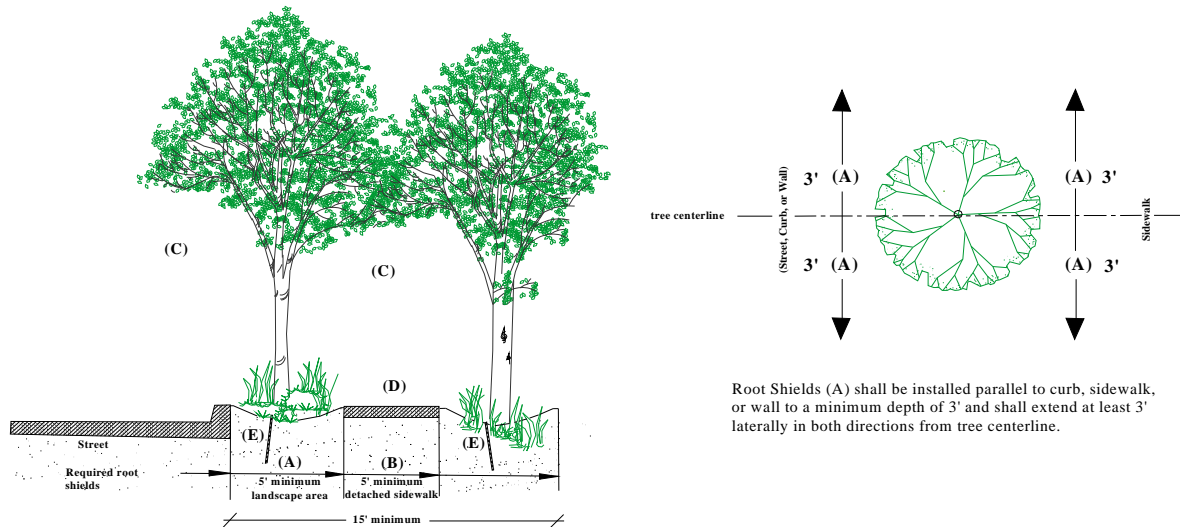
l. Landscape Strip and Sidewalks.

1. Sidewalks, drive aisles, signs, and driveways providing access from the street to and within the development are permitted within a landscape area or strip.
2. If constructed sidewalks are attached (not offset from curb), the required landscape area shall begin at the property line (back of sidewalk) and shall not include any part of the right-of-way. If detached sidewalks are constructed pursuant to Section 30.52.030(a)(1)(K), the required landscape area shall include the detached sidewalk with 10 feet of landscaping (See Figures 30.64-17 and 30.64-18). On collector or arterial streets, when attached sidewalks are permitted in lieu of detached sidewalks per 30.64.030(1)(4), 15 feet of landscaping is required behind the sidewalk.
3. When required by Tables 30.64-1 and 30.64-2, straight, detached sidewalks shall be provided unless there is an existing attached sidewalk that will not be rebuilt, or the arterial or collector street frontage is less than 300 linear feet and is adjacent on both sides to existing development constructed with attached sidewalks.

- A. When not required, detached sidewalks and landscaping may be provided at the option of the property owner, homeowners association, or landscape maintenance association. Whether required or not, all detached sidewalks shall conform to Figures 30.64-17 or 30.64-18 and are additionally subject to the following:
 - i. The tree spacing may be increased by 10 feet.
 - ii. All areas between the sidewalk the curb shall be landscaped except for incidental paving for bus stops or paving designed to protect underground public utilities, returns to intersections, and amenity zones pursuant to the Mixed Use Overlay District standards established in Section 30.48.770(C)(6-7). See Table 30.56-2 for pedestrian realm requirements for non mixed use projects.
 - iii. A landscape area as required shall be provided within the distance between the curb and the front setback, shall abut both sides of the sidewalk, and shall contain the quantity of plant materials required per Figures 30.64-17 or 30.64-18, or as otherwise required by this Title, except only shrubs, groundcover, and small to medium trees with non-invasive root systems shall be permitted between the curb and the sidewalk. Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk. (See Figures 30.64-17, 30.64-18 and Southern Nevada Regional Planning Coalition's Regional Plant List)
- B. All trees planted in landscape areas adjacent to detached sidewalks or within 5 feet of any pavement or wall (building or perimeter) shall be required to install, operate, and maintain a deep root irrigation system in conformance with Figure 30.64-3 and the standards listed below (also see "Deep Root Irrigation" in 30.08.030):
 - i. For small and medium trees, a minimum of 1 irrigation pipe (2" – 4" by 36" – 48") made of PVC or suitable material, shall be inserted vertically into the ground at the trunk's base to encourage downward growth of a deep root system and capture, drain, and redirect excess surface water into the deeper tree root area. For large trees, a minimum of 2 (2" – 4" by 36" – 48") pipes shall be required.
 - ii. Each irrigation pipe shall be loosely filled with gravel or rock and may be perforated along the lower half to facilitate the absorption of water into the lower soil profile and below the tree's root ball. Irrigation lines, emitters, and/or bubblers may be placed within each deep root irrigation pipe.
 - iii. All required deep root irrigation pipes shall be installed in conjunction with required swales and designed to allow sufficient amounts of irrigation water to reach a depth of 3 to 4 feet.
- 4. When dedication for bus turnouts is required, the landscape strip is not required adjacent to the bus turnouts.
- m. **Certificate of Compliance.** A Certificate of Compliance stating that landscape materials have been installed per this Title shall be signed by the property owner or contractor and submitted to the Building Official.
 - 1. Single family residences may be occupied prior to the landscaping being installed if the developer or property owner signs a Certificate of Compliance prior to the issuance of building permits stating that all required landscaping shall be installed within 6 months of the date of the Certificate of Occupancy.

2. Buildings other than single family residences may be occupied prior to the landscaping being installed; however, the required landscaping shall be installed prior to final Certificate of Occupancy. (Ord. 3987 § 4, 10/2011; Ord. 3924 § 11, 1/2011; Ord. 3826 § 7 (part), 11/30/09; Ord. 3688 § 12, 10/2008; Ord 3586 § 9 (part), 2/2008; Ord. 3549 § 11 (part), 9/2007; Ord. 3472 § 12 (part), 1/2007; Ord. 3356 § 5 (part), 2/2006; Ord. 3296 § 9 (part), 10/2005; Ord. 3094 § 3, 7/2004; Ord. 3062 § 4, 5/2004; Ord. 3020 § 3, 2/2004; Ord. 2934 § 8, 8/2003; Ord. 2741 § 12 (part), 5/2002)

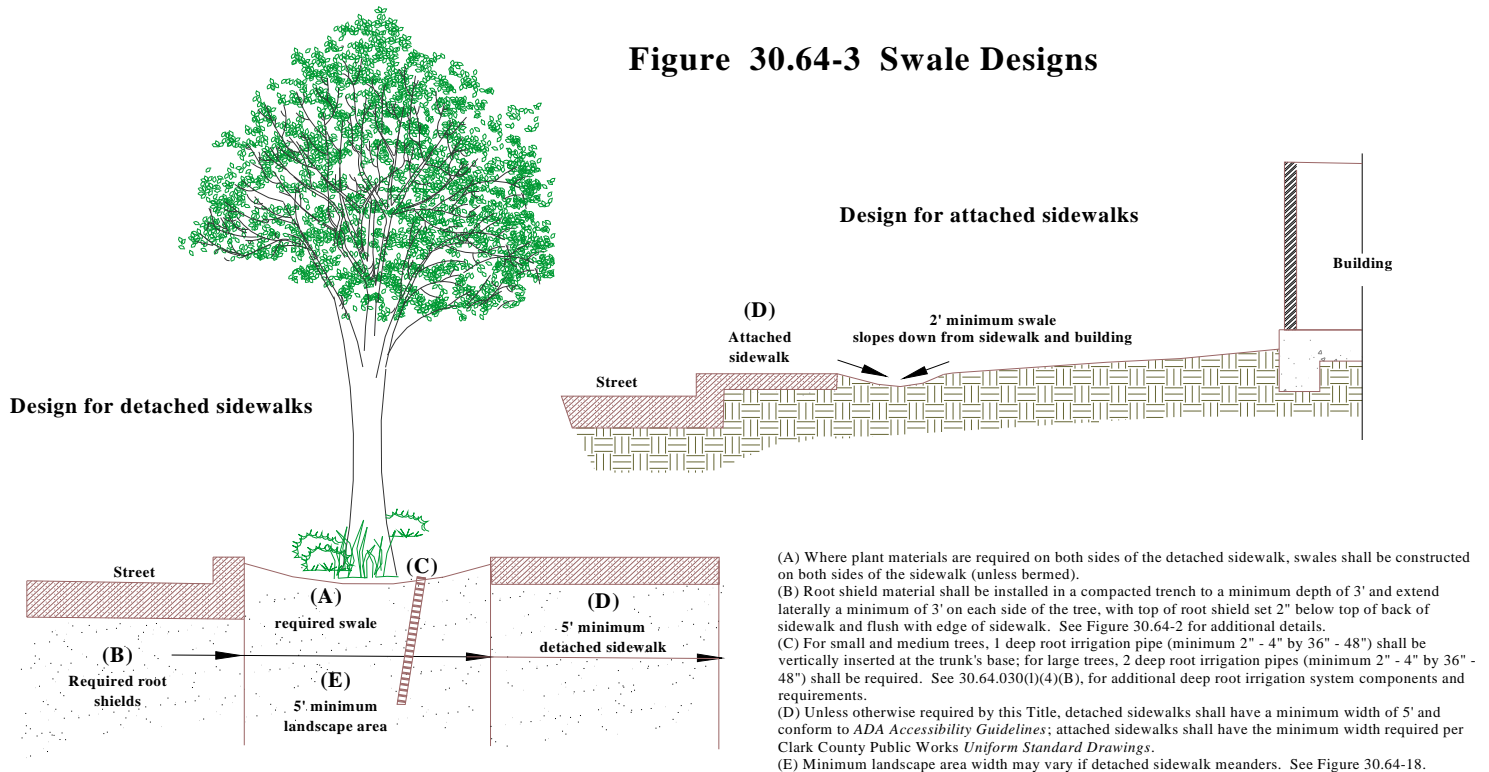
Figure 30.64-2 Root Shield (Root Barrier)



- (A) Root shield material shall be installed in a compacted trench to a minimum depth of 3' and extend laterally a minimum of 3' on each side of the tree centerline, with top of root shield set 2" below top of back of sidewalk and flush with edge of sidewalk (root shield for attached sidewalks shall be set 2" below top of curb and set flush with edge of curb).
- (B) Unless otherwise required by this Title, detached sidewalks shall have a minimum width of 5' and conform to *ADA Accessibility Guidelines*; attached sidewalks shall have the minimum width required per the *Uniform Standard Drawings, Clark County Area*.
- (C) Minimum 16' 4" vertical clearance between street and trees, and minimum 10' vertical clearance between sidewalk and street trees.
- (D) All sidewalks shall be constructed in conformance with the *Uniform Standard Drawings, Clark County Area*.
- (E) For small and medium trees, 1 deep root irrigation pipe (minimum 2" - 4" by 36" - 48") shall be vertically inserted at the trunk's base; for large trees, 2 deep root irrigation pipes (minimum 2" - 4" by 36" - 48") shall be required. See 30.64.030(1)(4)(B), for additional deep root irrigation system components and requirements.

(Ord. 3356 § 5 (part), 2/2006)

Figure 30.64-3 Swale Designs



(Ord. 3356 § 5 (part), 2/2006)

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Chapter 30.64: Site Landscape and Screening Standards

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October 31, 2011

30.64.040 Screening and Buffering Requirements. Tables 30.64-1 and 30.64-2 establish the minimum screening and buffering requirements for development as depicted in Figures 30.64-4 through 30.64-14.

Table 30.64-1 Single-Family Residential Screening and Landscape Buffer Requirements^{1,6}			
	Rural Residential Use⁷	Suburban Residential Use and/or Rural Estates PUD	Compact Residential Use
Perimeter on Private or Local Streets – Rear Yard Only⁵	Figure 30.64-5 ² OR Figure 30.64-6 ²	Figure 30.64-5 OR Figure 30.64-6	Figure 30.64-7 OR Figure 30.64-8
Side or Rear on Collector/Arterial Streets⁵	Figure 30.64-5 ² OR Figure 30.64-6 ²	Figure 30.64-17 OR Figure 30.64-18 For both figures, 6' min/8' max high decorative wall or fence required behind landscaping and detached sidewalk.	Figure 30.64-17 OR Figure 30.64-18 For both figures, 6' min/8' max high decorative wall or fence required behind landscaping and detached sidewalk.
Adjacent to Freeway	Figure 30.64-4 No wall required in Community District 5.	Figure 30.64-4	Figure 30.64-4
Adjacent to a Less Intensive Use^{4,5}		<ul style="list-style-type: none"> When adjacent to rural residential use 6' minimum/maximum decorative wall. Wall may be eliminated in rural area by administrative minor deviation per Table 30.16-8. 	<ul style="list-style-type: none"> When adjacent to suburban or rural residential use: Figure 30.64-11 with 1 tree per 30'. Wall may be eliminated in rural area by administrative minor deviation per Table 30.16-8.
Front Yards (within 15' of front property line or private street/easement)	<ul style="list-style-type: none"> A decorative wall may be permitted when fronting a collector or arterial street per Figure 30.64-8. A 6' maximum decorative fence may be permitted. Fence need not be decorative in rural areas; or, with administrative minor deviation approval, if adjacent properties have similar fences. 	<ul style="list-style-type: none"> If a wall or fence is not required, a 5' maximum decorative fence may be permitted. Fence need not be decorative in rural areas; or, with administrative minor deviation approval, if adjacent properties have similar fences. 	If a wall or fence is not required, a 5' maximum decorative fence may be permitted.
Retaining Walls⁵	When on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.	When on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.	When on side or rear yard, see 30.64.050(a)(4) and Figure 30.64-15.
Additional Requirements: <ol style="list-style-type: none"> These requirements are minimum standards. More intensive landscaping shown in other figures is also permitted. If full off-site improvements are deferred, the required landscaping and irrigation system need not be provided until the off-site improvements are installed, unless non-urban street standards apply. The requirement does not apply to lots which are 40,000 square feet or larger; however, if provided, must follow regulations within table. Deleted The Zoning Administrator may allow breaches in the wall for pedestrian access and trails by an administrative minor deviation and letters of consent from adjacent and impacted property owners. Specified maximum wall heights may be increased to include the height of a retaining wall in accordance with Section 30.64.050(4). Detached sidewalks (offset from curb) may be constructed per Figures 30.64-17 and 30.64-18 instead of attached sidewalks as depicted in Figures 30.64-5 through 30.64-10 and 30.64-13, provided all other landscaping, dedication, and maintenance requirements are satisfied. Fencing materials in the rural residential districts may include traditional farm fencing (smooth twisted wire mounted on posts) or alternative fencing used for confining domestic animals, provided that all fencing is compatible with the rural character of the immediate area. 			

(Ord. 3848 §10, 2/2010; Ord. 3757 § 9 (part), 4/2009; Ord. 3635 § 10, 6/2008; Ord. 3586 § 9 (part), 2/2008; Ord. 3518 § 14 (part), 5/2007; Ord. 3432 § 11 (part), 10/2006; Ord. 3356 § 5 (part), 2/2006; Ord. 3296 § 9 (part), 10/2005; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 3/2005; Ord. 3106 § 11, 8/2004; Ord. 3008 § 8, 12/2003; Ord. 2934 § 10 (part), 8/2003; Ord. 2741 § 12 (part), 5/2002)

Table 30.64-2 Non-Single-Family Residential Screening and Landscape Buffer Requirements^{1,7}

	Multi-Family Use	Commercial & Mixed Use	Industrial Use	Special Use
Adjacent to any Street⁵	Figure 30.64-9 OR Figure 30.64-10	Figure 30.64-13	Figure 30.64-13	Figure 30.64-13 (except as permitted by 30.64.020(1)(C))
Adjacent to Collector/Arterial Streets⁵	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18	Figure 30.64-17 OR Figure 30.64-18
Adjacent to Freeway	Figure 30.64-4	Figure 30.64-4	Figure 30.64-4	Figure 30.64-4
Adjacent to a Less Intensive Use^{3,5}	<ul style="list-style-type: none"> When adjacent to rural residential: Figure 30.64-11 with 1 tree per 20'. When adjacent to suburban or compact residential: Figure 30.64-11 with 1 tree per 30'. Wall may be eliminated in the rural area by administrative minor deviation per Table 30.16-8. 	<ul style="list-style-type: none"> When adjacent to residential⁴ use: Figure 30.64-11 with 1 tree per 20'. Wall may be eliminated in the rural area by administrative minor deviation per Table 30.16-8. Buffer shall extend to back of required street landscaping. 	<ul style="list-style-type: none"> When adjacent to residential⁴ use: Figure 30.64-11 with 1 tree per 20'. Wall may be increased to 10'. Wall may be eliminated in the rural area by administrative minor deviation per Table 30.16-8. Buffer shall extend to back of required street landscaping. 	<ul style="list-style-type: none"> When adjacent to residential⁴ use: Figure 30.64-11 with 1 tree per 20'. Wall may be eliminated in the rural area by administrative minor deviation per Table 30.16-8. Buffer shall extend to back of required street landscaping.
Retaining Walls⁵	<ul style="list-style-type: none"> When wall is on the side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, figures 30.64-9 or 30.64-10. 	<ul style="list-style-type: none"> When wall is on the side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed 36". 	<ul style="list-style-type: none"> When wall is on the side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed 36" except when screening outside storage (see outside storage below). 	<ul style="list-style-type: none"> When wall is on the side or rear yard not adjacent to a street, see 30.64.050 (a)(4) and Figure 30.64-15. If adjacent to a street, the height of any retaining wall shall not exceed 36".
Outside Storage	Not applicable.	Per Table 30.44-1.	<ul style="list-style-type: none"> Maximum height 10' plus 3' retaining wall. When adjacent to non-industrial uses 8' minimum screened fence or wall required. When adjacent to street, must comply with Figure 30.64-8, except screened fence or wall may be increased to 10' without additional landscaping. 	Per Table 30.44-1: Walls cannot be located within the setback.
Security Fencing⁶			Walls/fences permitted above may be security walls.	See Table 30.44-1 for special uses and airports within the P-F District which permit security walls.

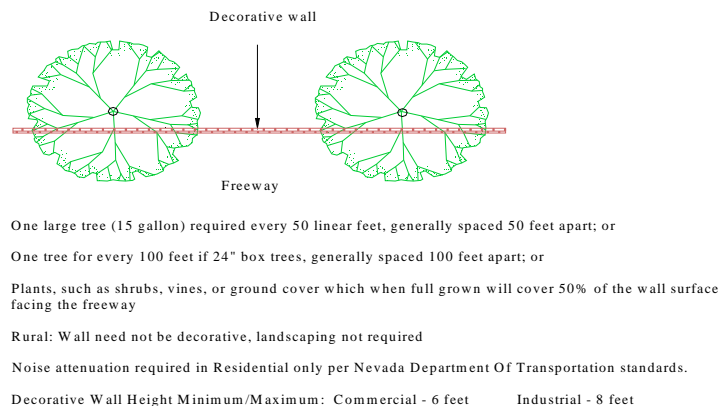
Table 30.64-2 Non-Single-Family Residential Screening and Landscape Buffer Requirements^{1,7}

	Multi-Family Use	Commercial & Mixed Use	Industrial Use	Special Use
Parking Lot Landscaping		Figure 30.64-14	Figure 30.64-14	Figure 30.64-14
Other Wall		A decorative fence enclosing outdoor space adjacent to not more than 50% of a commercial building is permitted if no closer than 3' to the sidewalk.		

Additional Requirements:

- Exceptions to required landscaping are as follows:
 - If the property is outside of the service area of the nearest water purveyor, live landscaping need not be planted until water service is extended to the site, providing an irrigation system is installed for the future planting and rockscaping is provided in the interim, except that development within the rural area need not provide the future irrigation system.
 - If full off-site improvements are deferred, the required landscaping and irrigation system need not be provided until the off-site improvements are installed.
- Deleted.
- The Zoning Administrator may allow breaches in the wall for pedestrian access and trails by an administrative minor deviation with letters of consent from adjacent and impacted property owners.
- Including uses such as, but not limited to, schools, places of worship, libraries, museums, cemeteries, day care, child care, congregate care, assisted/independent living facilities, or hospitals.
- Specified maximum wall heights may be increased to include the height of a retaining wall in accordance with Section 30.64.050(4).
- Security fences are permitted in conjunction with Temporary Government Facilities in any zoning district, subject to the requirements for security fences in this Table and 30.08.030.
- Detached sidewalks (offset from curb) may be constructed per Figures 30.64-17 and 30.64-18 instead of attached sidewalks as depicted in Figures 30.64-5 through 30.64-10 and 30.64-13, provided all other landscaping, dedication, and maintenance requirements are satisfied.

(Ord. 3757 § 9 (part), 4/2009; Ord. 3586 § 9 (part), 2/2008; Ord. 3432 § 11 (part), 10/2006; Ord. 3356 § 5 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 3/2005; Ord. 2934 § 10 (part), 8/2003; Ord. 2741 § 12 (part), 5/2002)

Figure 30.64-4 Freeway Buffer

(Ord 3586 § 9 (part), 2/2008)

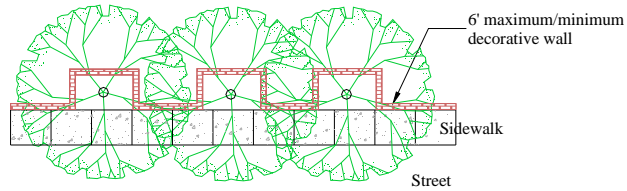
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Figure 30.64-5 Street Buffer-Wall Off-Sets



Number of trees required: per 30.64.030 (k)

One medium or large tree required in each 4' x 4' (or greater) tree well; alternatively if non-urban street standards apply, trees planted inside the wall per 30.64-030 (k) are permitted

Tree wells are encouraged to be located on common property lines

Rural areas: Wall need not be decorative

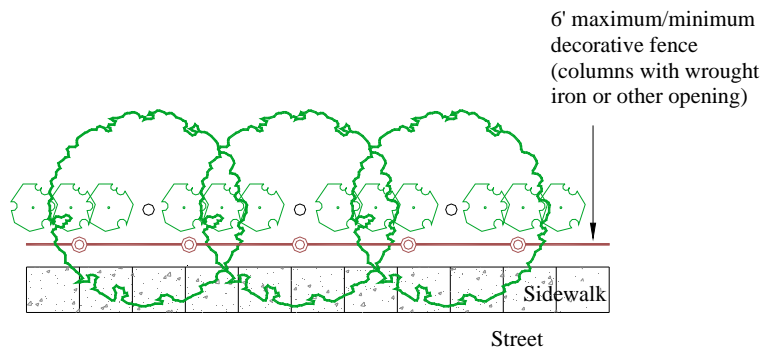
Sidewalk not required if non-urban street standards apply

NOTES:

1 . Maximum/minimum wall height may be increased in accordance with 30.64.050 (4)

(Ord. 3549 § 11 (part), 9/2007; Ord. 3432 § 11 (part), 10/2006; Ord. 3209 § 11 (part), 3/2005; Ord. 2934 § 12 (part), 8/2003)

Figure 30.64-6 Fence with Landscape Screen



Number and size of trees required: per 30.64.030(k)

Shrubs sufficient to screen rear yards, generally spaced 5' apart.

Rural areas: Fence need not be decorative

Sidewalk not required if non-urban street standards apply

(Ord. 3432 § 11 (part), 10/2006; Ord. 2934 § 12 (part), 8/2003)

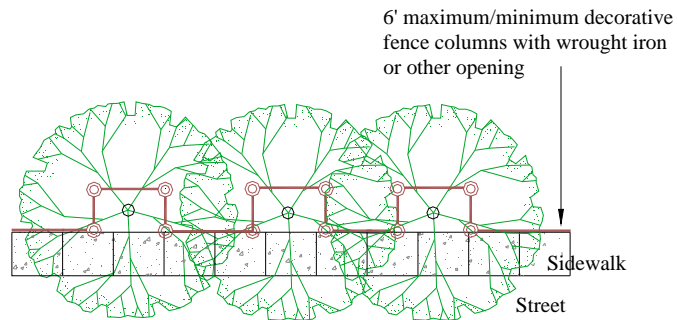
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Figure 30.64-7 Fence Off-Sets



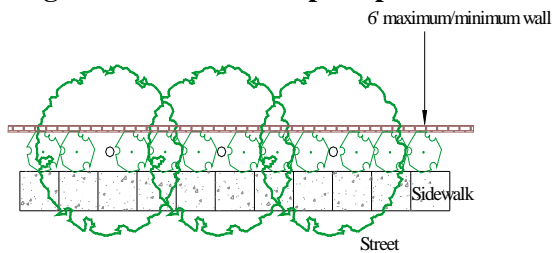
Number of trees required: per 30.64.030(k)

One large tree required in each 6' x 10' fence off-set. (alternative 4' x 4' offset permitted only when landscaping is behind fence)

Rural areas: Fences need not be decorative
Sidewalk not required if non-urban street standards apply

(Ord. 3432 § 11 (part), 10/2006; Ord. 2934 § 12 (part), 8/2003)

Figure 30.64-8 6' Landscape strip with Wall



Number of trees required: per 30.64.030(k)

Landscape strip must be 3' minimum/6' average, with 6' minimum adjacent to trees

Wall can be increased to 8' if average landscaping is increased to 10'

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip

Rural areas: Walls need not be decorative

(Ord. 3296 § 9 (part), 10/2005; Ord. 3209 § 11 (part), 3/2005; Ord. 3106 § 12, 8/2004)

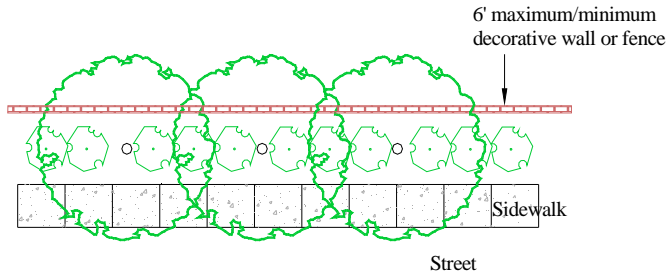
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September 17, 2007

Figure 30.64-9 10' Landscape Strip with Wall or Fence



Number of trees required: per 30.64.030 (k)

Landscape strip must be 6' minimum/10' average

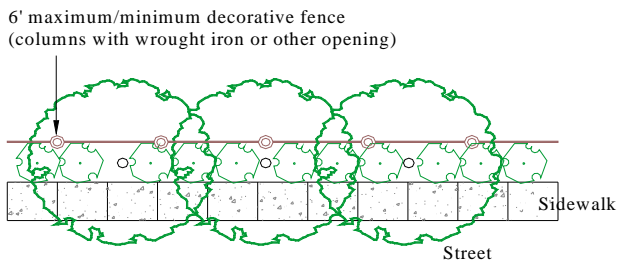
Wall/fence may be increased to 8' if average landscaping is increased to 15', or wall may be increased in accordance with 30.64.050(4)

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip

Rural areas: Fences/walls need not be decorative

(Ord. 3549 § 11 (part), 9/2007; Ord. 3296 § 9 (part), 10/2005; Ord. 3209 § 11 (part), 3/2005)

Figure 30.64-10 6' Landscape strip with Fence



Number of trees required: per 30.64.030(k)

Landscape strip must be 3' minimum/6' average/6' minimum adjacent to trees

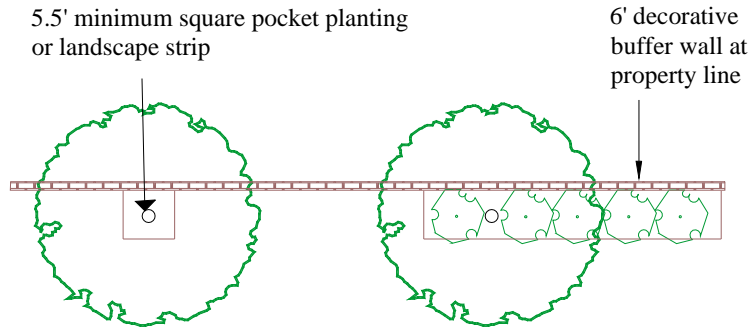
Fence can be increased to 8' if average landscaping is increased to 10'

Shrubs shall be located to cover more than fifty (50) percent of the landscaped area when mature, and may be grouped if distributed along entire strip.

Rural areas: Fence need not be decorative

(Ord. 3296 § 9 (part), 10/2005)

Figure 30.64-11 Buffer Adjacent to a Less Intensive Use

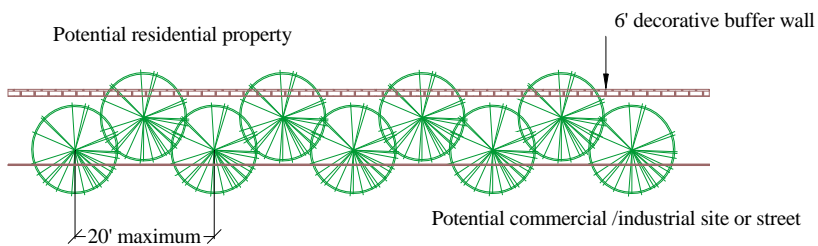


Where adjacent property is developed, trees shall be 24" box large evergreen trees to quickly mature and cover the distance between trees.

Quantity of trees per Tables 30.64-1 and 2

Rural area: Wall need not be decorative

Figure 30.64-12 Intense Buffer



Trees shall be 24" box large evergreen trees designed to expand and screen the distance between trees and planted in off-set rows.

Where intense landscape buffering is required along a street, the landscaping shall be installed on the street side of the wall.

When adjacent to street, shrubs shall be located to cover more than fifty (50) percent of the landscaped area and may be grouped if distributed along entire strip.

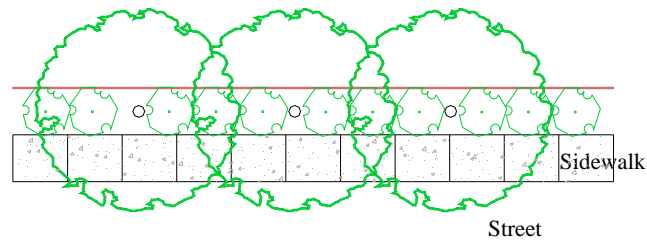
5.5 foot minimum square pocket planting or 10' landscape strip.

Wall height may be increased in accordance with 30.64.050(4)

Rural area: Wall need not be decorative.

(Ord. 3209 § 11 (part), 3/2005)

Figure 30.64-13 Street Landscaping



Number of trees required: per 30.64.030k

Landscape strip must be 3' minimum/6' average landscape strip, 6' minimum adjacent to trees

Shrubs shall be designed to cover more than fifty (50) percent of the landscaped area, and may be grouped if distributed along entire strip.

For Commercial and Special Development, fences and walls are not permitted within a required building setback, except when required by the Commission, or Board or to screen outside uses (See Table 30.64-2).

(Ord. 3549 § 11 (part), 9/2007; Ord. 2934 § 12 (part), 8/2003; Ord. 2778 § 3, 7/2002; Ord. 2764 § 5, 6/2002)

Figure 30.64-14 Parking Lot Landscaping

(Not required within parking garages)

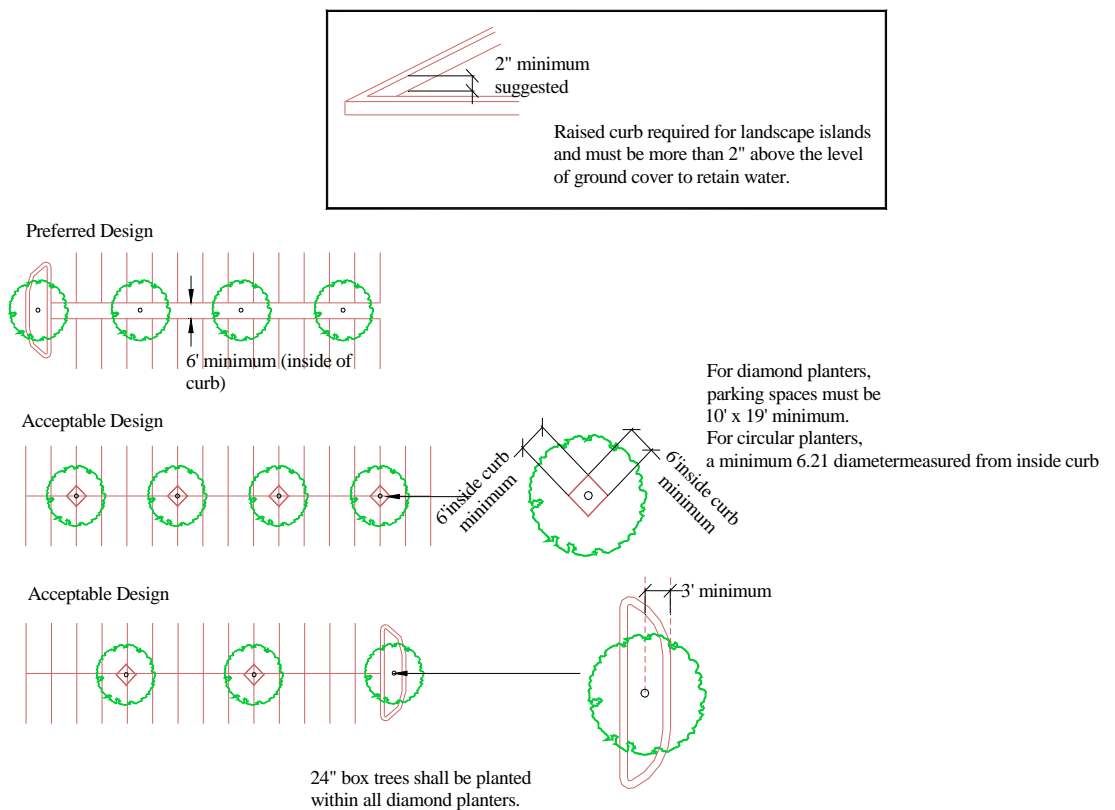
Islands can be designed at the end of rows, between rows, or both.

One large tree shall be provided for every 8 parking spaces, or one medium tree may be substituted for every 6 spaces, with trees generally distributed throughout the parking lot.

Parking adjacent to other trees need not be included.

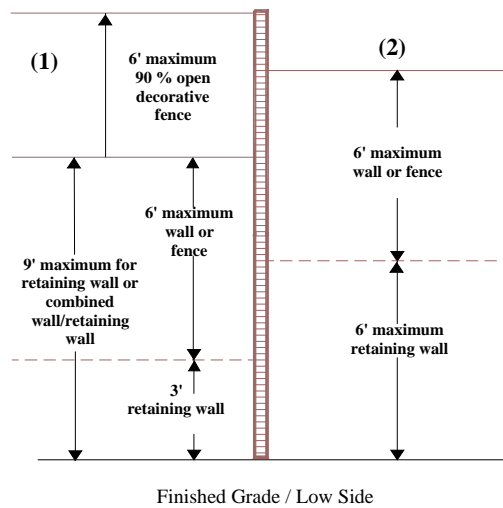
The total number of trees may be reduced by 20% if 10% or more of the parking lot is landscaped, xeriscaped, or finished with a permeable surface or pavers.

Parking lots which exist or were approved prior to March 2000 can be retrofitted, resulting in a 10% parking reduction.



(Ord 3586 § 9 (part), 2/2008)

Figure 30.64-15 Retaining Walls



Notes:

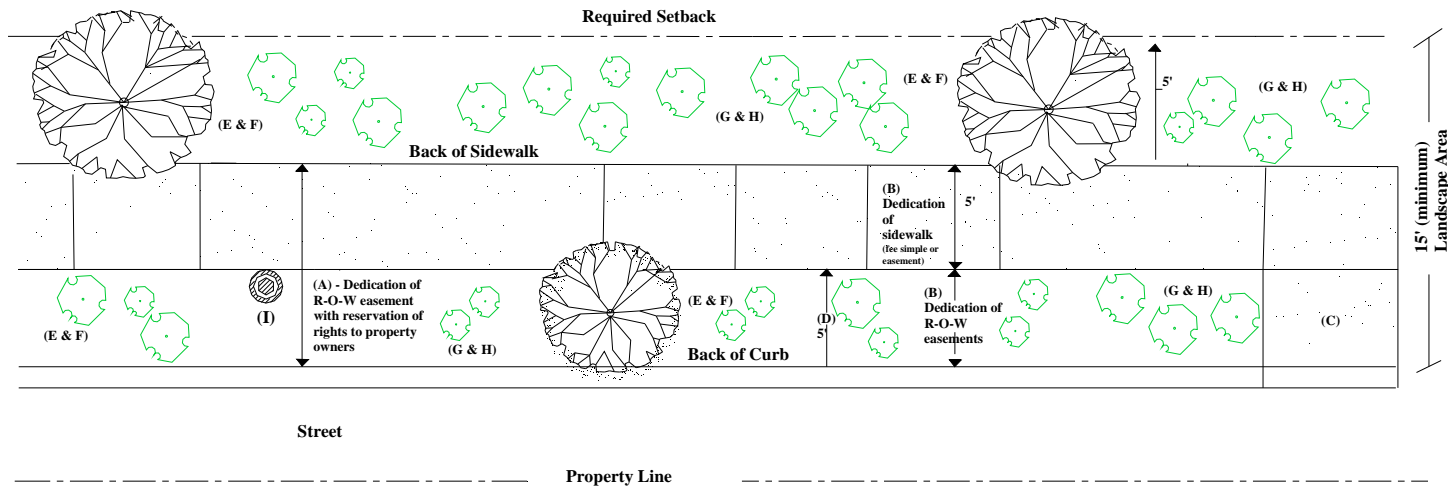
(1) 3' minimum retaining wall plus 6' maximum wall (or fence) is permitted per 30.64.050(a)(4)(A).

(2) 6' retaining wall plus 6' fence or wall (need not be open) is permitted per 30.64.050(a)(4)(C).

NOTE: Within required street setbacks (where a wall or fence is otherwise not permitted), a retaining wall only may be constructed to a maximum height of three feet (3').

(Ord. 3354 § 11 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 2573 § 14 (part), 2001; Ord. 2510 § 14 (part), 2000)

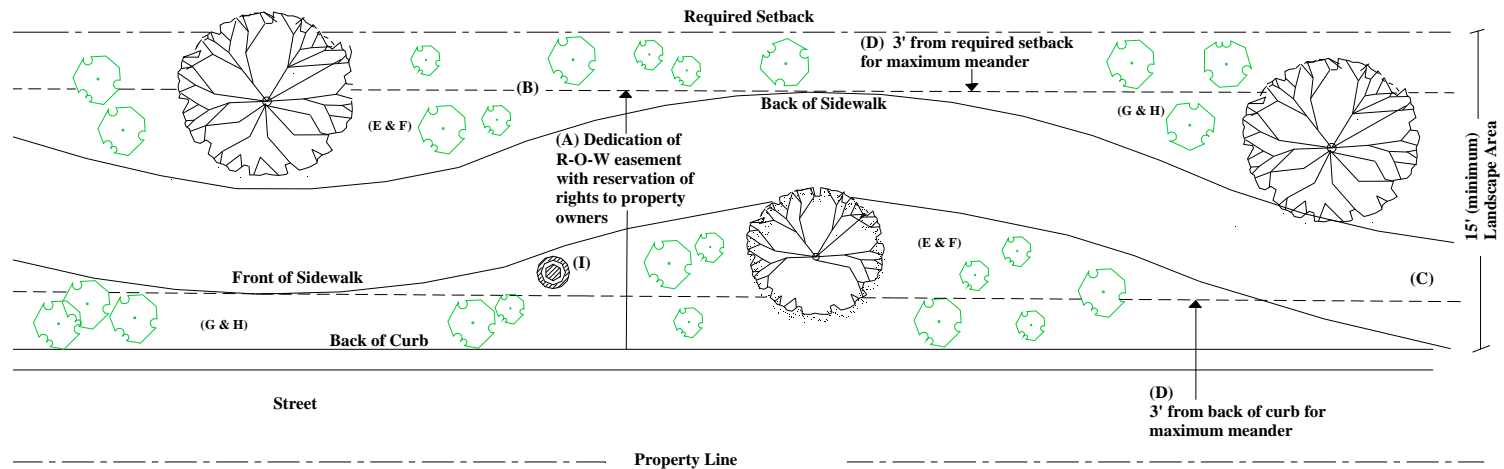
Figure 30.64-17 Detached Sidewalk Requirements (straight sidewalk)



- (A) Dedication from back of curb to back of sidewalk as right-of-way easement for roadway and utility purposes, per 30.52.030(k); or
- (B) Dedication of the sidewalk (fee simple or easement) with right-of-way easements as needed between back of curb and front of sidewalk to access, install, repair and maintain the sidewalk and public utility (including traffic) facilities.
- (C) Return to curb at property lines to meet existing attached sidewalk, if applicable.
- (D) Straight sidewalk shall be offset a minimum 5' from back of curb.
- (E) Turf is not permitted; only shrubs, groundcover, and trees with non-invasive root systems (with root shields installed per Figure 30.64-2, are permitted. All trees planted in landscape areas adjacent to detached sidewalks or within five feet (5') of any pavement or wall (building or perimeter) shall install, operate, and maintain a deep root irrigation system in conformance with 30.64-030(l)(4)(B) and Figure 30.64-3.
- (F) Two rows of trees planted generally 20 feet apart shall be required (one row on each side of sidewalk planted generally 40 feet apart). Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing intervals, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk. EXCEPTION: Where existing underground utilities are installed between back of curb and front of sidewalk, street trees shall not be required.
- (G) Shrubs & groundcover shall be planted to cover more than 50 % of the landscaped area and may be grouped if distributed along the entire strip.
- (H) Swales are required per Figure 30.64-3.
- (I) 10' lateral separation is required between streetlight and any tree.

(Ord. 3987 § 4, 10/2011; Ord 3586 § 9 (part), 2/2008; Ord. 3356 § 5 (part), 2/2006)

Figure 30.64-18 Detached Sidewalk Requirements (meandering sidewalk)



- (A) Dedication from back of curb to back of sidewalk not more than three feet from required setback (includes the sidewalk and maximum meander width) as right-of-way easement for roadway and utility purposes, per 30.52.030(k).
- (B) Dedication to back of sidewalk shall be based upon that point where the back of sidewalk meanders closest to the required setback.
- (C) Return to curb at property lines to meet existing attached sidewalk, if applicable.
- (D) Sidewalk shall not meander closer than 3' from back of curb or required setback.
- (E) Turf is not permitted; only shrubs, groundcover, and trees with non-invasive root systems with root shields installed per Figure 30.64-2, are permitted. All trees planted in landscape areas adjacent to detached sidewalks or within five feet (5') of any pavement or wall (building or perimeter) shall install, operate, and maintain a deep root irrigation system in conformance with 30.64-030(1)(4)(B) and Figure 30.64-3.
- (F) Two rows of trees planted generally 20 feet apart shall be required (one row on each side of sidewalk planted generally 40 feet apart). Tree rows on both sides of a detached sidewalk shall offset each other to provide balanced spacing intervals, and all trees shall be approximately centered within the landscape strip on each side of the sidewalk.
- (G) Shrubs & groundcover shall be planted to cover more than 50 % of the landscaped area and may be grouped if distributed along the entire strip.
- (H) Swales are required per Figure 30.64-3.
- (I) 10' lateral separation is required between streetlight and any tree.

(Ord. 3987 § 5, 10/2011; Ord 3586 § 9 (part), 2/2008; Ord. 3356 § 5 (part), 2/2006)

30.64.050 Alternative Standards.

- a. Fences and Walls.** Except for fences and walls within the front yards of single family residences, fences, walls and hedges over 6 feet in height are permitted within required setbacks when:
1. The Commission or Board determines that a fence or wall over 6 feet is required to mitigate the effect of a use on an adjacent use with the approval of a related land use application.
 2. The Zoning Administrator determines that additional height, up to 8 feet in overall height, is appropriate for fences and walls within accessory structure setbacks in the side or rear yard with an administrative minor deviation application and notarized letters of consent from adjacent, impacted developed property owners. The additional height (8 feet maximum) may also be granted in the front yard only to within 15 feet of the front property line.
 3. The Zoning Administrator determines that additional height, up to the height permitted for accessory structures, is appropriate for an open decorative or chain link fence and/or lighting enclosing a game area, with an administrative minor deviation application and with notarized letters of consent from adjacent property owners.
 4. Retaining walls shall not exceed a maximum height of 3 feet except as permitted by subsections (A), (B), or (C) below. However, in no case shall walls (including retaining walls) for commercial development exceed 3 feet in height above the finished grade of the street (or sidewalk if constructed) within required street setbacks (see 30.64.020(1)(C)). (Also see Table 30.64-2 for Outside Storage)
 - A. Adjacent to property whose elevation is lower than the developing property, a retaining wall or combined wall/retaining wall may be permitted to a maximum height of 9 feet. Additionally, a ninety 90% open decorative fence up to a maximum height of 6 feet is permitted for any part of the wall/retaining wall over 9 feet. (See Figure 30.64-15)
 - B. An alternative retaining wall system (hillside development) may be permitted per Figure 30.64-1.
 - C. Specified maximum wall heights may be increased to a maximum of 12 feet (6 foot wall plus 6 foot retaining wall) for the following, subject to the landscape provisions specified and compliance with subsection (5) below (See Figure 30.64-15):
 - i. Subdivision walls (perimeter or interior) along any local or private street shall provide a minimum 6 foot landscape strip (see Figure 30.64-8).
 - ii. Interior subdivision walls with initial development (no additional landscaping required).
 - iii. Perimeter subdivision walls along any collector or arterial street shall provide a minimum 15 foot landscape strip (see Figure 30.64-9).
 - iv. Walls adjacent to non-developed property (no additional landscaping required).
 - v. Walls adjacent to developed properties when the finished grade of the developing property is lower than the finished grade of the developed property (no additional landscaping required).
 - vi. Walls adjacent to developed properties when the finished grade of the developing property is higher than the finished grade of the developed property shall only be permitted with approval of an Administrative Minor Deviation application and notarized letters of consent from all property owners adjacent to the increased wall height (including owners of undeveloped properties). Additional landscaping shall not be required.

5. Retaining walls shall not exceed 2 feet within any sight visibility zone.
 6. The Director of Public Works and/or the Director of Development Services determines that a wall is required to protect property or public safety. The height and design of such a wall, including those within flood control facilities, shall be as required.
- b. Adjustments to Site Landscape and Screening Standards.** Proposals to utilize standards different from those provided elsewhere in this chapter may be considered in light of the unique characteristics of an individual site, including those created by the shape and location of property, design of existing or proposed structures, and the operation of the uses proposed for the site. Adjustments to site landscape standards include those related to screening and buffering, placement and amount of site landscape materials, parking lot landscaping, amount of turf, and the location of fences and walls. The determination of the acceptability of such adjustments shall be based upon consideration of the following:
1. The provision of landscape proposals to reduce environmental problems and to further the County's compliance with the Federal Clean Air Act Amendments of 1990 such as, but not limited to, increased use of allowable landscape species which increase the absorption of carbon dioxide and production of oxygen, and produce low amounts of pollen.
 2. The ability of the proposed standards to result in the same or improved screening and buffering function as results from the standards of Table 30.64-1
 3. The ability of the proposed standards to provide the same or enhanced visual character to the site as would result from the application of the landscape requirements for which alternative standards are being offered.
 4. The ability of the proposed standards to maintain water demand equal to or less than that anticipated to be required by the installation and maintenance of the landscape plan and materials for which the alternative standards are being offered.
 5. The ability of the proposed standards to result in site landscaping that maintains or increases the site development compatibility with that of adjacent sites in the manner anticipated through the application of the landscape requirements for which alternative standards are offered.
- c.** The Commission or Board may approve modified standards, including reduced or additional landscaping or fence height, as a condition imposed in conjunction with the approval of a land use application or by a waiver of standards application per Table 30.16-7, which, in their estimation, will better accomplish the purposes of this Chapter. In addition, the specialized requirements within Table 30.44-1 shall supersede the requirements of this Chapter. (Ord. 3757 § 9 (part), 4/2009; Ord 3586 § 9 (part), 2/2008; Ord. 3549 § 11 (part), 9/2007; Ord. 3472 § 12 (part), 1/2007; Ord. 3354 § 11 (part), 2/2006; Ord. 3229 § 12 (part), 6/2005; Ord. 3209 § 10 (part), 3/2005; Ord. 2934 § 9, 8/2003; Ord. 2769 § 105, 7/2002; Ord. 2573 § 14 (part), 2001)

30.64.060 Water Features. Variances or waivers to the use and size restrictions within this Section shall not be permitted, and the Zoning Administrator shall not accept such an application. Because the conservation of water resources is vital to the general prosperity, health, safety and welfare of the County, the development of water features for recreational, scenic and landscape purposes shall be severely limited; however, the surface area restrictions for swimming pools, manmade decorative water features, or manmade recreational water theme parks shall not apply to water features within an enclosed climate controlled building. Any water feature permitted under this Section shall only be permitted if designed to re-circulate water within the feature.

1. **Swimming Pools.** Swimming pools are considered to be accessory uses in all districts when not a principal use of the property. All pools (above ground and below grade) shall comply with the

following. Swimming pools which exceed the permitted area shall only be permitted in accordance with subsection (2) below (Manmade Lakes).

- A. Pool water line must be a minimum 5 feet away from the required front yard and shall not be constructed across a property line.
- B. All pools must be enclosed by a minimum 5 foot high fence or wall (which may be a building wall) with self-closing and self-latching gates or doors, the latching device being located on the inside and not less than 4 feet above the ground designed to prevent access to the pool without going through the gate. If visible from the street then the pool must be surrounded by a decorative wall.
- C. As a further precaution, it is suggested all doors and windows shall be self-closing and self-latching, and a non-climbable 5 foot fence be constructed to separate the pool/spa from the residence (see Figure 30.64-16).
- D. Waterfalls or other decorative features associated with a pool may encroach into a yard setback, must conform to maximum wall height, and may not cross a property line.
- E. Within developments other than single-family residences, the water surface area of outdoor swimming pools for a development shall not exceed the following.
 - i. 4% for the first 10 acres or less and 0.4% for the additional total development area that exceeds 10 acres.
 - iii. For a resort hotel, an additional 5 square feet will be allowed for each guest room.
 - iv. Area in addition to that permitted in subsections (i) and (ii) above may be permitted if in conformance with the provisions Subsection (2) below.

2. Manmade Lakes. Manmade lakes are prohibited, except for the following.

- A. A body of water constituting a wetlands project or located in a recreational facility which is owned or operated by a political subdivision of this State and that utilizes nonpotable water.
- B. A body of water which is located in a recreational facility that is open to the public and owned or operated by the United States of America or the State of Nevada.
- C. A body of water which stores water for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage by a political subdivision of this State.
- D. A body of water which stores water for use by the Las Vegas Valley Water District or by a water district created pursuant to NRS Chapter 318.
- E. Bodies of water located on a golf course or a cemetery which are used for the purpose of storing irrigation water for the same and which have a combined aggregate surface area less than 5.5% of the total golf course or cemetery area, respectively.
- F. A body of water which stores and distributes water or reclaimed wastewater for use by an irrigation district created pursuant to NRS Chapter 539.
- G. A body of water which stores water used in a mining reclamation project.

- H. A body of water which is located or is proposed to be created within a nonprofit youth camp for the benefit of youth in learning and experiencing watercraft activities and water safety.
- I. A body of water, with no limitations on its area, which may include decorative, recreational and/or entertainment features, located at a resort hotel, provided it is subject to the following.
 - i. The resort hotel demonstrates that the resort hotel benefits the community and is in the public interest as evidenced by the approval of the resort hotel under this Title, provided, that the bodies of water or features are shown on the plans and advertised in the notice of public hearing.
 - ii. The applicant demonstrates to the satisfaction of the water purveyor that the proposed body of water will have no significant impact on water resources or water peak demand delivery capacity, because of the use of 1 or more of the following methods. The method or methods used shall be the highest priority method or methods feasible, as reasonably determined by the appropriate water district, as listed in the following priority order. The applicant shall submit a Water Efficiency Plan to the water purveyor, which must be approved by the water purveyor prior to the issuance of permits.
 - (a) Use of well water if the property upon which the body of water is located is part of a single development that has appurtenant non-revocable water rights existing on or before July 1, 1995.
 - (b) Use of groundwater from the shallow groundwater aquifer.
 - (c) Use of reclaimed wastewater from a municipal system or the subject property. If the applicant contributes to an exterior water efficiency retrofit program approved by the water purveyor to offset the water resources used, in an amount equivalent to the amount of water used by the body of water.
 - (d) Use of water from the water purveyor. However, the applicant must contribute to an exterior water efficiency retrofit program approved by the water purveyor to offset the impacts on water resources and system delivery capacity, in an amount equivalent to 2 times the amount of water used by the body of water.
 - iii. The applicant must submit an efficient water use plan for the entire resort hotel to the water purveyor. The applicant must receive plan approval from the appropriate water district before issuance of any building permits for the body of water.
 - iv. If reclaimed wastewater or water from a shallow aquifer will be used, the property may be subject to the approval of an effluent management plan and/or an appropriate sewer surcharge fee for discharging excess conventional pollutants from either process into the municipal sewer system. If excess Total Dissolved Solids (TDS) is discharged, the property must fund salinity reduction programs through the Clark County Sanitation District for reducing the total TDS use equivalent by the amount of the excess TDS contributed.
- 3. **Manmade Outdoor Decorative Water Features.** Approval of a design review application per Table 30.16-9 shall be required to establish any manmade decorative water feature, unless constructed prior to August 1, 2003. Decorative water features which exceed the permitted area shall only be permitted in accordance with subsection (2) above (Manmade Lakes). The water surface area of outdoor manmade decorative water features for a single development shall be limited as follows:
 - A. 2% for the first 10 acres or less and 0.2% for the additional total development area that exceeds 10 acres.

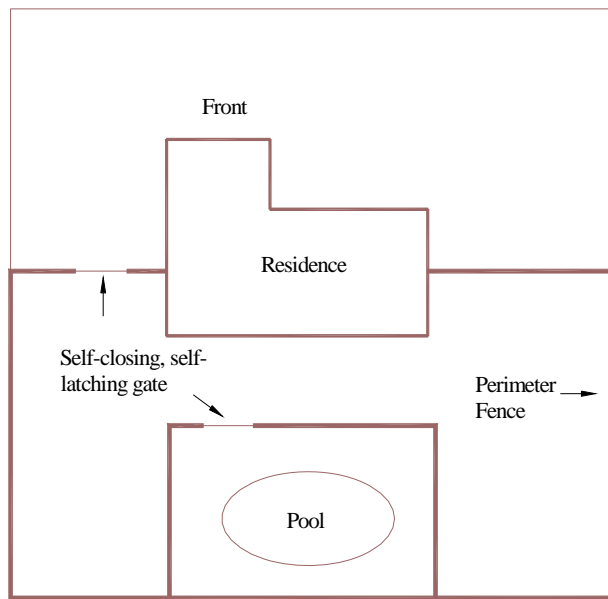
- B. For a resort hotel, an additional 2.5 square feet for each room used for sleeping accommodations.
- C. For a resort hotel, additional area shall be allowed where:
 - i. The water is from a shallow groundwater aquifer system, which may be operated in conjunction with a system using reclaimed wastewater resulting from the use of potable water and the subsequent on-site treatment of the used water, on the single development. However, any such reclaimed wastewater may be used only to the extent that shallow groundwater is unavailable.
 - ii. Any additional water features using shallow groundwater or reclaimed wastewater generated on the site, as provided above, do not, in aggregate, exceed an additional square footage increment equal to the amount of outdoor manmade decorative water features calculated under subsections (A) and (B) above.
 - iii. The necessary groundwater permit and water treatment process approvals have been obtained from the appropriate agencies having or asserting jurisdiction.
 - iv. A deed restriction has been recorded stating that the continuing operation of outdoor manmade decorative water features may require the continuing operation of systems to provide water from a shallow groundwater aquifer or from reclaimed wastewater generated on the single development as provided above.
- D. **Operation of Manmade Decorative Water Feature.** These restrictions cannot be waived or varied. Existing and/or approved water features in developments which conform to the following, may be permitted to operate, subject to the approval of an Administrative Design Review to verify compliance:
 - i. The property owner, homeowner's association, or landscape maintenance association reduces consumptive water use for the development by reducing the amount of turf (functional or non-functional) within the development by 50 square feet for each square foot of surface area of the water feature if a rebate for turf conversion is not requested from the Water Smart Landscape program of the Southern Nevada Water Authority.
 - ii. If the development cannot reduce non-functional turf area, the property owner, homeowner's association, or landscape maintenance association shall pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority for the period ending the next calendar year: \$10 per square foot of surface area. A receipt verifying fee payment shall be provided with the administrative design review application.
 - iii. If the development does not have enough non-functional turf required to qualify under subsection (i) above, the property owner, homeowner's association, or landscape maintenance association shall first reduce non-functional turf to the extent possible, and then pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority for the period ending the next calendar year: \$10 per square foot of surface area for the proportion of turf area not available for conversion. A receipt verifying fee payment shall be provided with the administrative design review application.
 - iv. For each subsequent year that the water feature is operated, the property owner, homeowner's association, or landscape maintenance association shall pay the following fee to the Water Smart Landscape program of the Southern Nevada Water Authority by January 1 of the year during which the water feature will be operated: \$200.
 - v. Temporary signs indicating the water feature is permitted to operate shall be posted as follows: 1) sign area shall not be less than 4 or greater than 16 square feet, and 2) sign(s)

shall be visible from any street from which the water feature is visible.

The following uses shall be exempt:

1. Swimming pools, spas and recreational water parks. The use of covers for pools and spas is encouraged.
 2. One water feature of less than 25 square feet surface area in conjunction with a single-family residence or a residential development, except that any water feature located at the entry of a residential development shall not be operated.
 3. Water features that are necessary and functional components serving other allowable uses, such as storage ponds on a golf course or cemetery, or aeration devices.
 4. Indoor water features, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components (such as timers or shut-off valves), they shall be separated and managed accordingly.
 5. Commercial water features operated in conjunction with a resort hotel as defined by Section 463.01865 of the Nevada Revised Statutes, if 1) a water efficiency which addresses guidelines suggested by the Southern Nevada Water Authority is submitted to the Zoning Administrator prior to January 30, 2004, for facilities existing as of January 1, 2003, or prior to final inspection for future water features, and 2) a sign is posted at the feature stating that the feature is operating in compliance and that a water efficiency is on file with the local water purveyor.
 6. Water features necessary to sustain aquatic animals, provided that such animals have been actively managed within the water feature prior to August 1, 2003.
 7. Water features will not be required to be drained. A recirculating water pool to maintain pumps, pond liners, and ancillary equipment, but only between the hours of 1:00 a.m. and 4:00 a.m. or whenever freezing conditions require system preservation, may be maintained.
4. **Manmade Recreational Water Theme Park.** The water surface area of manmade recreational water theme park for a single development is limited to 20% for the first 20 acres or less and 2% for the additional total development area that exceeds 20 acres. (Ord. 3826 § 7 (part), 11/2009; Ord. 3432 § 11 (part), 10/2006; Ord. 3354 § 11 (part), 2/2006; Ord. 3297 § 5, 10/2005; Ord. 2950 § 2, 9/2003)

Figure 30-64-16 Suggested Swimming Pool Precautions



30.64.070 DELETED – Drought Restrictions (Ord. 3826 § 7 (part), 11/2009; Ord 3805 § 8 (part), 9/2009; Ord. 3518 § 14 (part), 5/2007; Ord. 3354 § 11 (part), 2/2006; Ord. 3094 § 4, 7/2004; Ord. 2975 § 1, 11/2003; Ord. 2950 § 3, 9/2003; Ord. 2934 § 11, 8/2003)